REMARKS

Claims 1-40 are pending. Claims 1-40 including independent claims 1, 10, 18, 27, 30, and 33 were rejected under 35 U.S.C. 102(e) as being anticipated by Brown (2002/0141544). The independent claims 1, 10, 18, 27, 30, and 33 are believed allowable over Brown.

Brown describes a system connected to a CATV headend. "Controller 60 employs the process shown in FIG. 2 for initializing system 12 of FIG. 1 and for selecting an initial power transmission level for transmitting of signals from system 12 to the CATV head end. Specifically, FIG. 2 shows a series of operational states through which the FIG. 1 DOCSIS compliant cable modem system 12 progresses during startup to become fully operational. Upon application of power to modem system 12 in step 250 of FIG. 2, controller 60 executes bootloader software uploaded from flash memory within unit 60 to set all modem components to their initial power on condition." [0016] Although bootloader software is uploaded from flash memory, it is unclear here whether parameter information comprising power characteristics of the component is obtained from nonvolatile memory as is variably recited in the independent claims. Brown only describes bootloader software uploaded but does not describe parameter information comprising power characteristics obtained from nonvolatile memory.

More specifically, Brown describes "downloading a Configuration File for modem system 12 from a remote TFTP (Trivial File Transfer Protocol) server using TFTP. The configuration file includes SNMP compatible data conveying threshold values defining warning zones near the minimum and/or maximum operational limits for the power level to be used in transmitting signals from system 12 to the CATV head end." [0019] Other values or default values are believed associated with an operating system and are provided in system memory, which is volatile memory. This is believed to be the conventional system described in the present application. In conventional systems, an operating system is hardcoded with default values. Default values are not stored on a nonvolatile memory.

To further clarify the claims and to facilitate prosecution, the independent claims have been amended. Independent claims 1, 10, and 18 have been amended to further recite "obtaining parameter information comprising power characteristics of a replacement component from nonvolatile memory; configuring the operating system to operate the replacement component

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and report power characteristics to the upstream device." The Amendment is support in Figure 3, Figure 6, and associated description.

More specifically, "In order to accommodate a new or different tuner, a new version of the operating system typically has to be introduced with the new hard coded characteristic information. However, introducing a new operating system version raises compatibility and compliance issues. Techniques of the present invention provide that a memory associated with the cable modem component, such as a tuner, is provided in a cable modem. According to various embodiments, the memory is a nonvolatile memory. As will be appreciated by one of skill in the art, nonvolatile memory is a general term including all forms of solid-state memory that do not have the memory contents periodically refreshed. Some examples of nonvolatile memory are read-only memory and flash memory. Another example of nonvolatile memory is random access memory that is powered with an independent power source such as a battery.
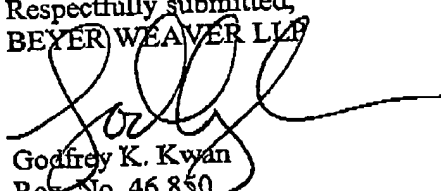
Characteristic information associated with the cable modem component such as an RF tuner, can be written onto a nonvolatile memory. In one example, the cable modem operating system can be configured to acquire tuner characteristic information from the nonvolatile memory. The operating system no longer needs to be hard coded with specific tuner characteristics or supplemented with additional code such as a tuner specific device driver. When a new tuner is selected for use with a current operating system, a nonvolatile memory associated with the tuner can be programmed and provided in the cable modem along with the tuner. A more general device driver can be used. No new version of the operating system is required. The existing version of the operating system can access characteristic information associated with the tuner by reading the nonvolatile memory. Compliance and compatibility concerns are addressed by maintaining the same version of the operating system, without new software additions such as new device drivers." (page 6, line 17 – page 7, line 9)

Claims 30 and 33 have been amended to further recite "a volatile memory operable to temporarily maintain parameter information and a processor operable to run an operating system, wherein the operating system reports power characteristics to an upstream device." The language is believed supported in Figure 3, Figure 4, and associated description. More specifically, "According to specific embodiments, a cable modem 303 has a cable port 301 to connect the cable modem with a headend. It also has a tuner 305, modulator 337, demodulator 319, processor 335, memory 323, and USB 327, Ethernet 329, or telephony 331 ports to connect

the cable modem to client hardware. It should be noted that multiple components of a cable modem may be contained in a single integrated circuit, or may be a combination of digital and analog circuitry. According to various embodiments, the tuner 305 is a separate component associated with a nonvolatile memory 333." (page 9, lines 1-8)

In light of the above remarks above, all independent claims and associated dependent claims are believed allowable for at least the reasons noted above. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER LLP

Godfrey K. Kwan
Reg. No. 46,850

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100

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